

REMARKS/ARGUMENTS

This Amendment accompanies a Request for Continued Examination and serves as a Response to the Final Office Action issued August 27, 2009 in connection with the instant application. A Petition for Extension of Time (one month) and the fee therefor are submitted herewith.

Preliminarily, the acceptance of the Terminal Disclaimer is noted with appreciation.

Further, the Office Action, in paragraph 2 thereof, recommends that the claim recite the language used in the remarks to the effect that the “combined effect” of the results of the plurality of control elements determines whether or not an abnormality exists. This Amendment clarifies the language concerning the combination of control elements, according to the suggestion in the Office Action.

Respectfully, applicant does not understand the other comment in paragraph 2 of the Office Action, to the effect that the amendment of the claims filed May 8, 2009 necessitated a new ground of rejection based on an IDS that applicant filed years earlier, on December 7, 2007. In fact, applicant believes that no Final Rejection should have been issued based on the prior Amendment, because the feature concerning the “combined effect” was in the claims prior to the Amendment of May 8, 2009. Nonetheless, to streamline the prosecution, the applicant proceeded with the instant filing of an RCE application, inasmuch as the applicant’s undersigned attorney could not reach the Examiner prior to the due date of November 27, 2009.

As presently postured, the rejection of claims 40-47 and 57-64 is on the basis of anticipation by Takashi (JP2003-005826), using a machine generated translation provided by the applicant. Further, claims 48-50 and 55-67 are stated to be obvious Takashi, in view of Konishi (6,145,519). Reconsideration is requested in view of the following remarks.

It is crystal clear from paragraph 5 of the Office Action that the rejection of all of the claims in the application is anchored on and rests entirely on the Examiner’s contention (at page 3 of the Office Action) that Takashi, in paragraph [0064] thereof, discloses detecting an abnormality based on the “combined effect”. In the words of the Office Action: “The combined effect is interpreted from section [0064].” Applicant respectfully, but emphatically, disagrees with the Examiner’s interpretation of that section [0064] of Takashi.

To aid in the examination of the application and to assure that the prosecution record is crystal clear, the entire text of that paragraph is reproduced below.

[0064] Said [sic] are recording information received with the host computer 7 through the Internet 8 is memorized by the storage section 123, and is expressed to this and coincidence as a predetermined method by the display 124. For example, as shown in drawing 12, the trace data of the predetermined period of the temperature of the resist spreading unit 31 and humidity are displayed. And the manager by the side of a vendor 6 diagnoses the condition of the temperature of the resist spreading unit 31 displayed on the display 124 concerned, and humidity, and judges the existence of nonconformity. For example, when the nonconformity upper limit smaller than the upper limit of temperature and humidity and the larger nonconformity lower limit than a lower limit are set up and said trace data exceed a nonconformity upper limit and a nonconformity lower limit concerned, it is judged with there being nonconformity.

In the above text of Takashi, it is mentioned that several parameters, for example, temperature and humidity, are examined to determine the existence of a “nonconformity”. In the cited paragraph, there is mentioned a “nonconformity upper limit” and there is also mentioned a “nonconformity lower limit”. The Examiner assumes that, given that only a single upper limit and a single lower limit is mentioned with respect to temperature and humidity, means or suggests that their individual effects are combined. Respectfully, this makes no sense at all. Temperature and humidity are not measured in the same units of measurement. In fact, for example, 40°C as a hypothetical upper limit, has no meaning whatsoever, when applied to humidity, and vice versa. The only logical reading of the reference is that the operator observes the nonconformity upper limit which is respectively associated with temperature and humidity separately, meaning that there are two separate upper limit numbers that the observer is monitoring, one for temperature and the other for humidity. No mention is made of any combined effect. It is crystal clear that Takashi does not judge any defect or conformity based on a combination of temperature and humidity, but rather judges temperature and humidity individually. Therefore, Takashi does not teach and does not even suggest the subject matter which has been urged, repeatedly, to clearly distinguish the instant claims over the art of record.

Konishi discloses monitoring a plurality of control elements individually. It too fails to teach or suggest monitoring an abnormality based on a combination of a plurality of control elements or, as the Examiner prefers, their “combined effect”.

Based on the foregoing, it is submitted that each of the independent claims and necessarily their dependent claims, clearly distinguish over the prior art of record and prompt issuance of a Notice of Allowance on the present application is earnestly solicited.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
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Respectfully submitted,



MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700